

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MICHAEL E. MEGGINSON,

Plaintiff,

-against-

CHIEF OF DEPARTMENT STUKES; HEAD
OF OSIU CHIEF GLOVER; NEW YORK
DEPARTMENT OF CORRECTION,

Defendants.

21-CV-9761 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff Michael E. Megginson, who is currently detained in the West Facility on Rikers Island, brings this *pro se* action under 42 U.S.C. § 1983, raising claims regarding his detention on Rikers Island. The Court dismisses the complaint for the following reasons.

Plaintiff has previously submitted to this Court a substantially similar complaint alleging similar claims. That case is presently pending before this Court under docket number 21-CV-9599.¹ As this complaint raises similar claims, no useful purpose would be served by litigating this duplicate lawsuit. Therefore, this complaint is dismissed without prejudice to Plaintiff's pending case under docket number 21-CV-9599.²

In light of the Court's belief that Plaintiff may have submitted this duplicate complaint in error, the Clerk of Court shall not charge Plaintiff the \$350.00 filing fee for this action, and the

¹ By order dated November 19, 2021, the Court directed Plaintiff to tender payment of the \$402.00 in filing fees or submit a completed and signed request to proceed *in forma pauperis*, that is, without prepayment of fees and a prisoner authorization. ECF 21-CV-9599, 2.

² If Plaintiff wishes to amend his complaint to add additional claims or additional defendants, he may request leave to file an amended complaint in that case. Plaintiff must be sure to label his submissions with docket number 21-CV-9599 (LTS).

Warden or Superintendent having custody of Plaintiff shall not deduct or encumber funds from Plaintiff's prison trust account for this lawsuit.

CONCLUSION

Plaintiff is granted IFP status under 28 U.S.C. § 1915(a)(1) for the limited purpose of dismissing this complaint without prejudice.

Plaintiff's complaint is dismissed as duplicative.

The Clerk of Court shall not charge Plaintiff the \$350.00 filing fee for this action.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

The Clerk of Court is directed to mail a copy of this order to Plaintiff and note service on the docket.

SO ORDERED.

Dated: November 24, 2021
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge